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**IEU SUBMISSION TO THE STANDING
COMMITTEE ON FAMILY AND HUMAN
SERVICES**

INQUIRY INTO BALANCING WORK AND FAMILY

APRIL, 2005

INTRODUCTION

1. The Independent Education Union of Australia (IEU) welcomes the opportunity to contribute to the Standing Committee on Family and Human Services Inquiry on Balancing Work and Family.
2. The IEU is the federally registered union representing over 60,000 teachers and other education staff in the non-government education sector, of whom over 70 per cent are women.
3. The non government education sector is a diverse one. There are approximately 2,670 non government schools across the country employing over 80,000 teachers and support staff (Full Time Equivalent). The sector also comprises early childhood centres, pre schools, long day care centres, English Language Colleges and private training providers.
4. A large majority of non government schools are affiliated with and operated by particular religious groups, the largest of which is the Catholic church which employs over 70% of staff in the sector.
5. There are approximately 1350 system and individual employing authorities in the non government sector including those schools which form part of the Catholic, Anglican and Lutheran systems and also over 780 separate independent school authorities.
6. The IEU is responsible for negotiating awards and agreements which include the provision of entitlements such as parental leave, family leave, carers' leave and maternity leave. These are entitlements which are central to an employee's capacity to balance their work and family commitments.
7. It is the IEU's hope that the work of this Standing Committee will result in a commitment by the federal Government to actively progress the rights of Australians to affordable and well resourced childcare models,

more understanding and supportive workplaces, and stronger legislative frameworks in respect to discrimination, paid maternity and adoption leave, and rights of part-time and casual employees.

8. The IEU, like many organisations within the Australian community, is strongly concerned about the crisis of our "community" in a culture increasingly characterised by work intensification, escalating household debt, social and economic inequity, de-regulation of the underpinning industrial award system, and weakening of the social welfare system. The relationship between work and family issues is complex, and can not be fully done justice to within the terms of reference of this Inquiry, and it is the purpose of this submission to highlight the key areas of change needed to alleviate some of the pressures experienced by our members who are representative of the broader community.

PARENTAL LEAVE

9. The IEU's statement on Work and Family, which was ratified in April, 2003 (Attachment1) sets out some core issues which in our view, are significant goals in ensuring that employees are able to find a balance between their work responsibilities and their family or community responsibilities. These key issues are paid parental leave, longer periods of unpaid parental leave, the right to return to work part-time after having a child and until the child is school age, the right to job sharing arrangements, and the right to more flexible and extended carers' leave provisions. In addition, the IEU recognises that there is a child care crisis in Australia, and that until government commits to high quality, affordable and enough paid child care places, that many parents will not have any genuine choices about returning to work.
10. The IEU notes that the federal government missed a real opportunity to address the issue of an Australian standard of paid maternity leave in 2002, when it chose instead to introduce the "baby bonus". Whilst the IEU accepts that there was considerable weight in the argument for introducing a rebate that applied regardless of whether a woman was

in the workforce or not, it is regrettable that Australia lags so far behind other countries in not having a uniform standard of, for example, 14 weeks paid maternity leave.

11. In its submission to the Workplace Relations Amendment (Paid Maternity leave) Bill 2002, the IEU stated:

The IEU supports a model of paid maternity leave at the level of salary at the time at which the leave is taken or at the federal minimum wage, whichever is the greater; an employer levy to at least Average Weekly Earnings; with the industrial parties negotiating further to 14 weeks paid leave in enterprise bargaining. In the non-government sector this would ensure a maternity leave safety net for employees who currently have no access to paid maternity leave, while providing the opportunity to enhance provisions for those who currently have access to paid leave entitlements.

The IEU believes there should be a contribution by all employers to a system of paid maternity leave, including those which might be defined as "small business". Phase-in arrangements over a period of time would allow all business to factor the costs of their contribution to the national scheme into the operation of their enterprise. The Union is strongly of the view that there are economic and social benefits for business and the community in supporting women's equal participation in the workforce through higher levels of female employment and the retention of their skills in the workforce.

12. The failure by the government to create a uniform standard retains differential outcomes for employees in our sector, primarily decided by their bargaining capacity. Paid maternity leave ranges from none to around nine weeks in institutions for which the IEU has coverage. Many of our members, particularly those in non-systemic institutions and small workplaces including a significant proportion in the child care sector, do not access paid maternity leave. Any employee in Australia

covered only by a federal award can only access 12 months of unpaid maternity leave. This standard is far too low.

LEGISLATION

13. There are a range of positive measures that could be put in place that would create a better balance for Australian employees between the demands of their work and their family or community obligations. In the IEU's view, the most effective measure would be to both uphold existing legislation, and improve upon it. The IEU strongly supports the ACTU's recommendations that the Workplace Relations Act should be amended to:

- strengthen the role of the AIRC in fostering family friendly working arrangements.
- require the AIRC to ensure that awards and agreements contain effective and innovative provisions to assist workers to combine work with family responsibilities, including provisions relating to hours of work.
- provide for a minimum period of 104 weeks of parental leave.
- ensure that all forms of family leave (including planned, long term leave) are allowable award matters.

14. The Sex Discrimination Act should be amended to prohibit both direct and indirect discrimination in employment on the grounds of the employees' family responsibilities. In addition Section 93A of the WRA, in which the Commission must have regard to the Family Responsibilities Convention, and the equal pay provisions of the Act should be retained.

PART-TIME WORK

15. Whilst there have been some encouraging industrial decisions in the last few years that have recognised the need for employers to accept part-time work requests from women returning to work after a period of parental leave, there is still a strong need for workplaces to be more

supportive of part-time or job sharing arrangements. Traditionally, primary schools have a better record of part-time and job-share provisions but it is the IEU's experience that many employers, particularly in the secondary school sector, remain opposed to more flexible work arrangements, citing administrative or timetabling complexities. In secondary school environments, the spread of hours offered to many employees seeking part-time work can make it financially not worth their while to pursue. It is not unusual for employers to offer a 0.4 to 0.6 contract over 4 days, requiring 4 days of paid child care for the employee involved. The IEU regularly assists members whose employers have agreed to their request for part-time work, but offered it in an unmanageable and unreasonable structure.

16. Until there are stronger industrial and legislative provisions that create a framework of rights for part-time employees' work, such as reasonable spread of hours, proportionate expectations of other professional activities, and genuine accommodation of reasonable requests in respect to the allocation of part-time hours of work, the issue will continue to be one that is addressed only in understanding workplaces. In addition, the IEU recognises that the role of balancing work and family responsibilities should not only be borne by one parent, but a massive social shift is needed to ensure that men's rights are also properly addressed, given the still weak structures surrounding women's rights on return to the workforce.

EMPLOYMENT SECURITY

17. The IEU urges the Committee to review the recommendations made by researcher Barbara Pocock in her 2003 book, "The Work/Life Collision", where she argues that work and family life have been placed on a collision course, characterised by work intensification, excessive working hours for many full-time workers and the rise of marginalised, precarious casual and contract jobs. Pocock advocated a raft of changes to provide new rights allowing people to better balance paid

work with other needs and responsibilities over the course of the life cycle. These include:

- Introducing new leave entitlements, including paid paternity leave of two weeks on the birth of a child; paid parental leave of up to one year to be shared between both parents; two weeks paid emergency leave on top of normal sick leave to care for sick dependents; extended unpaid leave for workers; and "leave banks" that allow employees to transport leave between employers.
- Reducing working hours, through legally-enforceable caps on overtime; reducing ordinary full-time working hours; phasing out unpaid overtime; and giving workers greater rights to avoid "carer-unfriendly working hours".
- Creating more secure employment, through state and federal legislation to increase the status, security and conditions of part-time work.

18. She also advocates the removal of any differences in conditions that give employers incentives to casualise, such as weaker rights to claim unfair dismissal or gain redundancy payments for casuals. Many of the recommendations made in "The Work/Life Collision" have been pursued by the IEU and the peak union body, the ACTU. However, it is disappointing to note the extent of employer (and government) opposition to strengthening the underpinning federal award system and creating stronger protection for the rights of employees, particularly those who are most vulnerable such as casual and part-time employees.
19. An example of particular concern relating to the above is the government's intention to exempt small businesses from the reinstatement provisions in the Workplace Relations Act. This discriminatory legislation will remove the ability of an income earner in a family to seek any form of redress for a harsh, unjust or unfair

termination of their employment, thus making the economic existence of families even more precarious. The arbitrary nature of the proposed legislation entrenches inequality for a wage earner based solely on whether their workplace is considered small. The fact that casual employees can not gain access to redundancy payments if they are retrenched is another issue of great concern to the IEU, and hopefully this Committee. The majority of employees in casual, precarious employment are women.

20. The scope of this Inquiry can not fail to take account of the relationship between social and community issues such as well-being, women's participation in the workforce, balancing work demands and caring for a family, and the weakening of the industrial system, with foreshadowed sweeping changes post July 2005 that will make more vulnerable conditions for the majority of Australian employees. It is futile to investigate family friendly provisions without seeking to restore balance and fairness to legislation, that is, to make law rather than merely policy.
21. The IEU supports the recommendation by the Standing Committee on Employment, Workplace Relations and Workforce Participation in its report "Employment: increasing participation in paid work" to make substantial changes to the taxation regime for childcare costs, as it indicates an acceptance that the out of pocket expenses faced by working parents are excessive. However, the IEU does not support the proposition that more workforce participation would be gained by continuing to dismantle the award system in Australia, and creating more casual and part-time jobs.
22. The IEU has worked for years to minimise casual employment, and to ensure that women who move from full-time to part-time employment for an extended period of time on return to work from parental leave, have the right at a further point to time to revert to the security of full-time employment. For most employees, casual employment is

uncertain and vulnerable employment, and affords little legislative rights to employees. The IEU urges this Committee to examine in more detail the range of evidence regarding the growth of low-paid, casual employment in Australia.

CHILDCARE

23. The IEU has read the submission from the Taskforce on Care Costs, and the major paper referred to in its submission, "Creating Choice: Employment and the cost of Care". The IEU supports the major findings of this report, in particular:
- The direct relationship between the price of care for older people, people with disabilities, and children and consequential reduced workforce participation
 - The escalating cost of childcare in Australia, compared to wage earnings
 - The need to develop strategies to reduce the cost of care for all family relationships, not just children under school age
 - The need to improve also the quality and availability of care options
 - Qualified support for the proposed 30% government childcare rebate as being a positive first step, but needing to be increased and uncapped to be of long term benefit to families.
24. The report also highlighted a range of care models that either attract no or reduced financial support, such as grandparents taking care of working parents' children, elderly relatives being cared for in the home by family members, parents of children with special needs or a disability that require extended periods of time in specialist settings or at home. Whilst some of these issues are beyond the parameters of this Inquiry, it is important to note that in our industry, with an ageing teacher population, the need for improved entitlements to extended carer's leave or to work part-time for specified blocks of time in order to take care of a family member, is a pressing one.

25. The IEU has members in both preschools and long day care centres and in early childhood centres that are attached to non government schools. The early childhood sector comprises both profit and not for profit services. Funding for the various services varies depending on which level of government is responsible. Pre schools are a state responsibility while long day care services are a federal responsibility. This has lead to inequities in the amount of funding that the various services can access. The determinations of type of service a parent chooses for their child may be made on the basis of which service provides the parent with the most funding rather than on the type of service that the parent requires.
25. The IEU supports high levels of regulation and accountability in the early childhood sector. In the past decade there has been an explosion in the number of for profit child care centres and in the past few years there are a number of private operators in this industry where profits are held by shareholders. This has had a negative impact on the employment conditions and wages of staff employed in these centres. Anecdotal evidence from our members suggests that the quality of care for children has often been compromised in the interests of greater profits for the share holders. Conditions and wages for staff are frequently regulated by individual Australian Workplace Agreements rather than collective agreements. Where early childhood centres are attached to schools, there is usually a flow on effect of wages and conditions that can be achieved in parity with school staff, but there are highly differential outcomes in the rest of the industry.
26. The IEU endorses the key recommendations made by the ACTU in their submission to this Committee, namely that the government establish a national advisory body to:
- scrutinise all proposed government policies in relation to children and families;
 - identify needed policy reforms;

- inform government about the capacity of services to meet objectives;
 - identify barriers and solutions to services meeting objectives;
 - facilitate improving links with related industries including education;
 - promote the contribution of the children's services industry to the national economy;
 - recommend on improved wages and conditions for childcare staff in early childhood services;
 - oversee the development of a national training and employment scheme;
 - provide advice and co-ordination in relation to existing standards in service provision and proposals for proposed standards; and
 - commission research.
27. The IEU also strongly supports increased government funding to address improved wages and conditions for childcare staff, and to meet demands in communities for more high quality, well regulated early childcare placements.

CONCLUSION

28. In conclusion, the IEU urges this Committee to reject expedient solutions such as "freeing up" modes of employment and deregulating the labour market as a solution to this complex issue. Such solutions provide no security of employment and no real support to families. Whilst the IEU is strongly supportive of part-time employment as a viable alternative to many parents seeking to balance work and family lives, it must be accompanied by employment security, reasonable spread of hours, and the right to convert to full-time employment when needed. Australia is facing a skills shortage at the same time that many women are being lost to the labour force because of a dearth of strong public policy about paid parental leave, planned and well resourced childcare models, and a weakening legislative framework to support and protect them on their return to work.

ATTACHMENT 1

IEU STATEMENT

WORK, FAMILY, AND FINDING THE BALANCE.

A well overdue debate is emerging in Australia about the crisis of work and its impact on people's lives. In the 2002 ACTU "Reasonable Hours" case before the Australian Industrial Relations Commission, the Full Bench accepted the ACTU's evidence that Australians are now working longer hours than ever before. The Commission also acknowledged a direct relationship between unreasonable hours of work and the physical, social, and emotional life of employees.

There is no disputing that Australia now ranks as one of the few OECD countries where the working day is lengthening. There is a parallel growth in the intensification of the work environment – a combination of the pervasiveness of technology, the more multi-skilled requirements of being a worker, the restructuring of work to fit an "efficiency" model that ultimately places even more strain on all.

"With long hours growing in many workplaces, many employees find themselves either trying to meet the new standard, or failing in comparison to it – carers especially fall into this category. Unreasonable hours injure family life. They debilitate individuals' intimate relationships, children's lives, and our community fabric. There are strong arguments for the re-creation of model worker standards in a new image that allows family life to occur without strain, and without taking on 'exceptionalism' status in the labour force. Workers with families are not exceptions in our labour market. Most workers will have dependents for significant portions of their working lives. This study provides a strong argument for reigning in unreasonable hours cultures and practices that injure healthy individuals, families and communities." (Barbara Pocock, Fifty Families, Chapter 2)

Schools are no exception to these general truths. The demands of being a professional or para-professional in what is one of the most important roles in society – that of educating students - are intense. The contemporary teacher works in a challenging and often pressured environment – with students of vastly different abilities and experiences, complex reporting and accountability requirements, in a role that the law defines as having equal obligations to that of a parent.

Whilst there has been progress made in improving and regulating the working conditions for teachers and support staff, the IEU believes that much more needs to be done. Even acknowledging the huge component of a teacher's life that is difficult to regulate – such as planning, correction, counselling, reporting, liaising with parents, participating in particular school events – there is need for strengthened regulation of the work that staff undertake on a daily level. Such regulation should address not just reducing the volume of work that is expected, but analysing the relevance, frequency and purpose of the work.

The Union will continue to seek reductions in class sizes, limits on the amount of face to face teaching required, reasonable limits on co-curricular and other school based events, improvements in specialist support, and opportunities to professionally develop the already valuable expertise that staff bring with them to their role.

Similarly, the IEU is committed to ensuring that our members have genuine choices and power about balancing the needs of the workplace with those of their own lives – be they involved with bringing up families, carer's roles, participating in their community. The rationale for doing so is unarguable. We have a collective responsibility for ensuring that the profession is strong, healthy, and able to continue to contribute to the lives of students in a meaningful way. We have a responsibility for ensuring that those who take time out of the profession to be with their families are not disadvantaged, but encouraged, and able to on returning to their work, negotiate fair and reasonable conditions. We have the right to insist that workplaces genuinely consult with their employees about workloads and take into account family and broader community lives. Finally, we have an obligation to eliminate any form of direct or indirect discrimination employees suffer because of family or carer responsibilities.

The following are core industrial goals in relation to parental leave, carer's leave and part-time provisions that the IEU will seek to achieve in all Australian non-government schools.

Parental Leave

The IEU is committed to ensuring that all eligible members:

- Receive 14 weeks paid maternity leave as per the International Labour Organisation standard. Such leave should also be available for placement and known adoption, and for members who adopt through permanent care orders. In all of these adoptive circumstances, the age of the child should not be a barrier to receiving the leave.

- Accrue all standard entitlements when accessing paid parental leave, such as long service leave accrual, superannuation
- Receive a minimum of 10 days paid paternity leave
- Access up to three years parental leave per child
- Access accrued long service leave either prior to or after paid parental leave
- Have the right to return to work part-time until the child reaches school age
- Return to a position at school commensurate with their previous position

Right to return to work part-time on return from parental leave

Where an employee chooses to return to work part-time, they shall be entitled to:

- A reasonable and agreed time fraction and spread of hours
- Hours of work shall generally fall within the following parameters: up to 0.2 FTE – attendance on one day of the week, greater than 0.2 and less than 0.4 FTE – attendance up to two days of the week, greater than 0.4 and less than 0.6 FTE – attendance up to three days of the week, greater than 0.6 and less than 0.8 FTE – attendance up to four days of the week.
- Any other arrangement or subsequent variation shall be by consent of the employee
- Appropriate support, professional development and mentoring to cope with the transition
- Provision of a private and appropriate place for breast-feeding or expressing, if required.

Part-time conditions generally

Consistent with the IEU's Part-time and Job share Policy, the IEU recognises that in the span of a staff member's life, there will be a range of reasons necessitating part-time employment or job sharing arrangements. The relevant provisions above shall also apply, particularly those relating to spread of hours, consent of employee regarding variation, and a reasonable and agreed time fraction.

In addition, all part-time or job share employees shall have the right to:

- Hold a position of responsibility
- Receive payment for child care and for work should they be requested and agree to work on a non-employed day.

- Access appropriate training, professional development and counselling

Carer's leave

The IEU will work towards ensuring that members are able, in times of difficulty, illness or crisis, to meet their family or carer obligations without jeopardising their employment. This will include achieving the right to:

- Paid carers' leave, including the right to access any or all accrued sick leave in particular circumstances
- Accrued long service leave prior to or after accessing carers' leave
- Leave without pay should paid leave options be exhausted
- In extended periods necessitating care, the right to work part-time, with right of return to a full-time position

Ratified IEU Federal Council, April 10, 2003